

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

20-CR-33 (ALC)

- against -

ORDER DENYING BAIL

THOMAS BAUTISTA,

Defendant.

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ANDREW L. CARTER, JR., United States District Judge:

In December 2019, Magistrate Judge Fox ordered Bautista detained. On June 18, 2020, Mr. Bautista filed a renewed motion for bail. I ordered Bautista's detention as a risk of flight and danger to the community, finding that no condition or set of conditions would reasonably assure his return to court or the safety of the community. On January 7, 2021, Mr. Bautista filed another bail motion. The government responded on January 11. The motion is denied.

Bautista claims that the dismissal of his state Violation of Probation matter, his explanation for one of his bench warrants, the rise in COVID 19 cases at the MCC, and a new proposed bail package constitute changed circumstances warranting release.

The fact that Mr. Bautista was arrested in this case while he was on probation indicates he is a risk of flight and danger to the community. His violation of probation matter was terminated, according to the letter submitted by Bautista's state court attorney, based upon Bautista's ongoing federal case. That the state doesn't want to expend resources since Bautista

faces serious charges here is understandable, but it does nothing to minimize his risk of flight or danger to the community.

Bautista's claim that he missed a court date related to the payment of a fine is proffered to explain one of his prior bench warrants. In so doing, he acknowledges that the warrant was issued properly and that he failed to appear in court when required. His explanation fails to explain the other warrant.

While the increase in COVID 19 cases at the MCC is troubling, as determined at the earlier bail hearing, Mr. Bautista is relatively young and healthy with no medical evidence indicating he suffers from any comorbidities that make him more vulnerable to developing serious symptoms from contracting COVID.

I again find that the government has proven by a preponderance of the evidence that the defendant is a risk of flight and that the government has proven by clear and convincing evidence that he is a danger to the community such that no conditions or set of conditions would reasonably assure his return to court or the safety of the community. Accordingly, his newly proffered set of bail conditions are inapposite.

The bail application is denied.

SO ORDERED.

Dated: February 1, 2021
New York, New York

/s/ Andrew L. Carter, Jr.
ANDREW L. CARTER, JR.
United States District Judge